

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SHAWN DUFFY, NATURAL PARENT AND  
GUARDIAN AD LITEM FOR C.D., et  
al.,

Plaintiffs,

v.

NWOGO N. AGBASI, M.D., et al.,

Defendants.

HONORABLE ROBERT B. KUGLER

Civil Action No. 16-4134 (RBK)(JS)

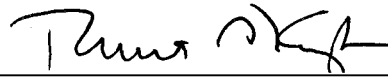
CONSENT ORDER

This matter having been opened to the Court by Paul J. Fishman, United States Attorney for the District of New Jersey, Anne B. Taylor, Assistant United States Attorney, appearing, counsel for Defendant United States of America (substituted for Federal Defendants Nwogo N. Agbasi, M.D. and Southern Jersey Family Medical Centers); and it appearing that the claims against the United States are governed by the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2401, 2671 to 2680; and it further appearing that the Court lacks subject matter jurisdiction over Plaintiffs' claims against the United States because they failed to file an administrative claim with the United States Department of Health and Human Services prior to filing this lawsuit, 28 U.S.C. § 2675(a); and Counsel for Plaintiffs and Co-Defendant Atlanticare Regional Medical Center

having consented to the form and entry of this Order; and for good cause shown,

IT IS on this 30<sup>th</sup> day of August 2016,

ORDERED that this matter is DISMISSED WITHOUT PREJUDICE.



ROBERT B. KUGLER  
United States District Judge

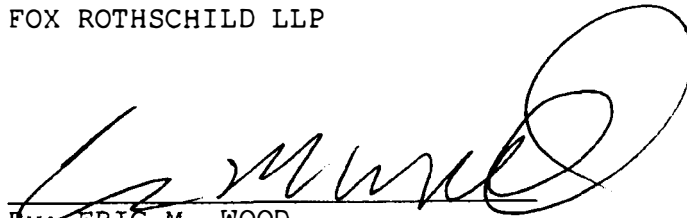
Without waiving any rights, claims or defenses, we consent to the form and entry of this Order.

D'ARCY JOHNSON DAY



By: PATRICK T. D'ARCY  
Attorneys for Plaintiffs

FOX ROTHSCHILD LLP



By: ERIC M. WOOD  
Attorneys for Defendant  
Atlantic Regional Medical Center